

# NEWS FROM ED MARKEY

**United States Congress**

**Massachusetts Seventh District**

**FOR IMMEDIATE RELEASE**

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## **MARKEY-SMITH REFORM OF MEDICARE HOMEBOUND DEFINITION**

**WASHINGTON, DC**— Representative Edward J. Markey (D-MA), a senior member of the House Energy and Commerce Committee, and Rep. Christopher Smith (R-NJ), Chairman of the House Committee on Veterans' Affairs, have introduced legislation to exempt severely and permanently disabled individuals from Medicare restrictions that limit their ability to travel away from home without losing their home health benefits. Reps. Markey and Smith are Co-Chairs of the Congressional Task Force on Alzheimer's Disease.

Rep. Markey said, "Today we continue the fight to change a misguided policy that imprisons men and women, like David Jayne, in their homes. It is shameful and absurd that Americans with late-stage Alzheimer's or Lou Gehrig's Disease who receive home care under Medicare must live in fear of losing their home health benefits if they leave home with a loved one to sit by a beach or travel to the supermarket. While the Administration has tried to clarify the homebound definition, the current homebound definition is still ambiguous. It also ignores the rapid technological advancements that have increased mobility and freedom since the definition was put on the books."

Reps. Markey and Smith have introduced H.R. 1874, the David Jayne Homebound Reform Act, which creates a pilot program providing for an exemption in Medicare's homebound rule, so that severely and permanently disabled individuals who require home health nursing services may leave their homes without being subject to Medicare's current limitations on the length, frequency and duration of departures from the home. Sen. Susan Collins (R-ME), Chair of the Committee on Governmental Affairs, has introduced Senate Bill 598, which mirrors the provisions of the pilot program.

Under current law, to be considered "homebound", and therefore eligible for Medicare home health benefits, individuals may only leave their home for short, infrequent trips, unless they attend adult day care or a religious service. Failure to comply with this rule can result in forfeiture of the patient's home health benefits. H.R. 1874 creates a pilot program to test whether the exemption would result in significant costs to the Medicare program, as claimed by the Center for Medicare and Medicaid Services (CMS). Supporters of the legislation contend that the exemption will have little, if any, significant cost implications for Medicare. In 2000, Rep. Markey successfully amended the homebound definition to enable those receiving home health benefits to attend adult day care and religious services without being subject to restrictions on the length and frequency of their departures from the home. At the time, similar cost concerns were raised, but they were later disproved by a

General Accounting Office report released in April 2002 (*Medicare Home Health: Clarification of the Homebound Definition Is Likely to Have Little Effect on Cost or Access*, GAO-02-555R)

Other champions of this legislation include:

**David Jayne**, Founder of the National Coalition to Amend the Medicare Homebound Restriction. Despite battling amyotrophic lateral sclerosis (also known as Lou Gehrig's Disease), Mr. Jayne continues to actively advocate for the reform of this outdated Medicare policy.

**Henry Claypool**, Co-Director, along with Bob Williams, of Advancing Independence: Modernizing Medicare and Medicaid (AIMMM). Mr. Claypool was formerly Senior Advisor for Disability Policy to the Administrator of the Health Care Financing Administration (HCFA), now the Centers on Medicare and Medicaid Services, within the Department of Health and Human Services.

**Former Senator Bob Dole**, Volunteer Chairman of the National Coalition to Amend the Medicare Homebound Restriction.

The text of H.R. 1874 and all other relevant information can be found at Rep. Markey's website: [www.house.gov/markey](http://www.house.gov/markey).

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